

# Between Following The Evidence And Imitating The 'Ulamāa

بين اتباع الدليل وتقليد الائمة



Al-Muhaddith Shaykh Sulaymān bin Nāsir Al-ʿAlwān (فرج الله عنه)

DĀR AT-TAWHĪD

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Verily all praise is for Allāh, we Praise Him, we seek His help and His forgiveness. We seek refuge with Allāh from the evil of our own souls and from our bad deeds. Whomsoever Allāh guides will never be led astray, and whomsoever Allāh leaves astray no one can guide. I bear witness that there is no god but Allāh Alone without associating any partners and I bear witness that Muhammad is His slave and messenger and His chosen one and His friend and His best Creation may the peace and blessings of Allāh be upon him, his household and his companions, and those who followed them in goodness. To proceed,

Nowadays we have a lot of people who blind follow their 'Ulamāa and teachers even if they contradict The Qur'ān, The Sunnah and the teachings of the Prophet (ﷺ). Shaykh Al-Muhaddith Sulaymān bin Nāsir Al-'Alwān (فك الله أسرته) speaks about this issue in this short essay and explains that Ta'assub [fanaticism] for a Scholar, or for a specific Madhab goes against the ijmā'a of the 'Ulamāa even from the 'Ulamāa of the various Madāhib who they blindly follow.

We ask Allāh (ﷻ) to make it beneficial for the Muslimīn and we ask Him to make us victorious over our enemies and to raise His Word.

Your brother Abū 'Abd Allāh.

11 Rabī' Al-Awal 1443

Bismi Allāh Ar-Rahmān Ar-Rahīm, to proceed:

Some of the brothers have asked the question: What is the ruling concerning two who differ in a Fiqh matter? Is it the right of every individual to take the words of the Imām of his Madhab [school of thought], or should they research the matter and look into the Dalīl [evidence]? Inform us of the ruling and may Allāh reward you greatly.

### **So I answered them:**

If there isn't any clear Dalīl [evidence] in a matter and the ruling of a matter is based on ijtihād [1], then it is on the Muslim to follow the one whom he thinks is the most knowledgeable and pious from the people [2], and there is no blame on him if he does that.

As for the matter where there is Dalīl, then it is not allowed for a Muslim to take the words of his Imām if those words go against the Dalīl. Instead, it is on him to leave the words of his Imām, whoever he may be, if the Dalīl has reached him, and this is obligatory on the entire creation. For the words of the 'Ulamāa are in need of Dalīl and not vice versa. Indeed the words of the 'Ulamāa help to understand the texts and explain the matters and so forth.

As for the words of the 'Ulamāa being an authority over the words of Allāh (ﷻ) and His Messenger (ﷺ), then none of the 'Ulamāa have ever stated this. Instead this goes against the Qurān and the Sunnah and the ijmaa' [scholarly consensus] of the Muslims, since Allāh has commanded us to follow His Book and to obey His Messenger (ﷺ) in many places in the Qur'ān.

Allāh (ﷻ) has said: “..and obey Allāh and the Messenger so that you may receive mercy.” [3: 132]

And Allāh (ﷻ) said: “Say! Obey Allāh and obey the Messenger.” [24: 84]

And Allāh (ﷻ) said: “Let those who contradict his orders beware lest a trial or a painful punishment befall them.” [24: 63]

And Allāh (ﷻ) said: “O you who believe! Obey Allāh and His Messenger, and don't turn away from him while you are able to hear. And do not be like those who say: “We have heard,” but they don't hear. Verily! The worst of living creatures in the sight of Allāh are the deaf and the dumb, those who do not understand.” [8: 20]

Verily the 'Ulamāa (رحمهم الله), used to advise their students not to blindly follow. Instead they made it binding on them to take the Dalīl since this is what is obligatory and a must for all the Muslims. So if the Dalīl reaches someone then he must follow that Dalīl and leave whatever opposes that Dalīl.

Allāh (ﷻ) has said: “Follow what has been sent down unto you from your Lord, and do not follow any protectors besides Him. Little do you remember.” [8: 21]

And Allāh (ﷻ) even bore witness to the guidance of the one who obeys His Messenger, as is mentioned in Surat An-Nūr: “And if you obey him you will be guided.” [24: 54]

So whoever leaves the Dalīl for the words of Imām Abū Hanīfah or Imām Mālik or Imām Ash-Shāfi'ī or Imām Ahmad, then he has gone against a principle that the Muslims have all gathered upon.

Al-Imām Ash-Shāfi'ī (رحمه الله) stated:

قال الإمام الشافعي رحمه الله تعالى: أجمع المسلمون على أن من استبان له سنة رسول الله صلى الله عليه وسلم لم يكن له أن يدعها لقول أحد

“The Muslims have all agreed that if a Sunnah of the Prophet has reached someone, it is not befitting that he leave it for the saying of anyone.”

And Al-Imām Mālik (رحمه الله) stated:

قال الإمام مالك رحمه الله تعالى: ليس أحد بعد النبي صلى الله عليه وسلم إلا ويؤخذ من قوله ويترك، إلا النبي صلى الله عليه وسلم

“There is no one after the Messenger of Allāh, except that their words may be accepted or rejected.”

So, as for those who are fanatics in following the Imām of the particular Madhab, then this goes against the guidance of the Salaf As-Sālih [pious predecessors], and is in opposition to what the A-immah of those Madhāhib were upon. Since they all agreed upon the dispraise of blind following and fanaticism.

Verily, it is obligatory on the Muslim to go with the Dalīl, whether it be with the Mālikī school, or the Hanafī school, or the Shāfi‘ī school, or the Hanbalī school, or the Dhāhirī [3] school, or any other school. As Allāh did not confine the truth to any of these schools, since the 'Ulamāa of these schools were men, who were capable of being correct and also making mistakes. They were not infallible from mistakes and errors.

Al-Imām Ash-Shāfi‘ī (رحمه الله) stated:

قال الإمام الشافعي رحمه الله: ما من أحد إلا وتذهب عليه سنة الرسول صلى الله عليه وسلم وتعزب عنه، فمهما قلت من قول أو أصلت من أصل فيه عن رسول الله صلى الله عليه وسلم خلاف ما قلت، فالقول ما قال الرسول صلى الله عليه وسلم وهو قولي

“There is no one among us who hasn't had a Sunnah of the Prophet elude him or have one slip his mind; so no matter what rulings I have made or fundamental principles I proposed, there will be in them things contrary to the rulings of the Messenger of Allāh. Therefore, the correct ruling is according to what the Messenger of Allāh said, and that is my ruling.”

Verily the 'Ulamāa (رحمهم الله), had disputes on many matters in the Dīn. From the rulings concerning purification, prayer, Zakāh, fasting, Hajj, selling, divorce, Adh-Dhihār [4], and other things. While none of these 'Ulamāa, who were firm in knowledge, ever said that it was allowed for every individual to take from where he pleases, concerning the different schools, without looking into the Dalīl, the exception being the blind follower who is not able to research the Dalīl.

If it was permitted for every Muslim to follow his desires and pick and choose from all these different opinions and sayings, then the Dīn would be made up of these various schools of thought, and the Kitāb and the Sunnah would be of little benefit. And we seek refuge with Allāh from this!

So I say that which all the Muslims have agreed upon, that it is obligatory to take all matters of dispute back to the Kitāb and the Sunnah, according to the understanding of the 'Ulamāa of the early generation; looking into their words, and into their reasoning behind certain decisions on matters after looking into the Dalīl.

For example the 'Ulamāa have disputed on the matters of what nullifies your purification. Like eating camel meat, touching a woman without sexual contact, and things that exit the body from other than the two private areas [5]. For some have said that these things that exit, nullify your purification and at the same time are impure.

Verily, every Imām had a saying about these matters. Concerning the eating of camel meat, Mālik, Abū Hanīfah, and Ash-Shāfi'ī, were of the opinion that it does not nullify your purification. But, on the other hand, Imām Ahmad was of the opinion that it did. And this was also what Ibn Hazm preferred.

The correct opinion concerning this, is the Madhab of Imām Ahmad, since there are two authentic ahādīth from the Messenger of Allāh (ﷺ) that prove that the eating of camel meat nullify your purification. One of them is the Hadīth of Jābir bin Samurah in Sahīh Muslim [6], and the other is the Hadīth of Al-Barāa ibn 'Azib collected by Abū Dāwūd [7] and At-Tirmidhī [8], and others.

As for the touching of the women or embracing or similar to this, then Imām Ash-Shāfi'ī was of the opinion that touching a woman nullifies your purification whether it is with passion or not. And Abū Hanīfah was of the opinion that unconditional touching does not nullify your purification. And Mālik and Ahmad in one narration were of the opinion that it does not nullify your purification except with passion.

So, for the one who examines the various Dalīl in this matter will find that the Hanafī school is the closest to the correct opinion. And in one narration, this opinion is also accredited to Imām Ahmad and is also the preference of Shaykh Al-Islam ibn Taymiyyah. Since there has not reached us any Dalīl that is authoritative in proving that touching nullifies the purification whether with passion or without. So in the absence of Dalīl, we return to the origin which is that the purification is not nullified.

And the Madhab of Abū Hanīfah is more clear on this issue than the other schools, since it has been narrated to us that the Messenger of Allāh (ﷺ) kissed his wives, left to the prayer, and he did not make Wudū [ritual ablution]. While, at the same time, it is not narrated to us in the Hadith that it was with or without passion. Even though there is some problem with the authenticity of this hadith. Verily it was narrated by Abū Dawūd, At-Tirmidhī, and Ibn Mājah, from the path of Wakī', from Al-A'māsh, from Hubayb bin Abī Thābit, from 'Urwah, from Aāisha, but there is deficiency in it.

As Hubayb did not hear it from Urwah. [9] But there are other ahādīth that are authentic concerning this matter. And Allāh knows best.

As for the things that exit from the body like blood and other things, then the Madhab of Imām Ahmad says that these things nullify your purification. But the Madhab of Imām Ash-Shāfi'ī says that any of these absolutely do not nullify your purification. And this is the correct opinion, which is also supported by Imām Mālik and in one narration from Imām Ahmad. And this is the conclusion that Ibn Taymiyyah and many others came to. Since there is no Dalīl that anything which exits from your body, other than the two private areas, nullifies your purification.

So these examples that I gave, are to show that the truth is not limited to a specific scholar, group, or school of thought. Verily, the Muslim is not commanded to follow and stick to a specific school of thought. Instead, he should seek out the truth, as every school of thought is correct in some things, and mistaken in others.

As the school of the Hanābilah is correct in many of the rulings in the matters of this Dīn. likewise the Shāfi'iyah, the Mālikiyah, and the Ahnāf [are also right in many rulings]. While, at the same time, Imām Ibn Hazm was alone in some of his opinions which actually are the correct opinion. Many of the 'Ulamāa differed due to the availability of the Dalīl, distinguishing between the authentic and the weak, between the things that abrogate and are abrogated, and between the unconditional [Mutlaq] and the qualified [Muqayyad]. So the one who is in the right follows the one who has the truth with him without being biased. Likewise he opposes the mistakes without slandering or defaming someone's person, or putting him at a low level. Since these 'Ulamāa were striving to reach the correct opinion [Mujtahidūn], and whether they were correct or incorrect, they will be rewarded either way.



So, after this, it is not obligatory on anyone to follow one of these 'Ulamāa. And whoever thinks this has strayed far away from the correct path. Verily, it is not obligatory to follow anyone except the Prophet (ﷺ), since his saying is all truth and he does not speak from his own desire. As for any others from the 'Ulamāa and the imāms of the various schools of thought, then we don't take from their words except what agrees with the truth. And this is a serious matter that none deem important except the one who wishes to be guided and save his soul from falling into evil.

How many are the ones who claim to have knowledge and are busy writing, except that they are fanatics headed for destruction, and blind followers. They are angered by those who go against their particular Imām but are not angered by those who go against the Book of Allāh or the Sunnah of the Prophet (ﷺ).

So the correct one is he who makes the Book of Allah and the Sunnah of the Prophet (ﷺ) the ruling over all sayings. Even if those who disagree, disagree with him and accuse him of heresy.

Indeed, it has become a common practice of those who blindly follow and are fanatics, to label those who differ with them as heretics and astray.

And this is the status of every liar, and the one who is deviant from the truth and the straight path since when he is unable to provide the proof and the Dalīl he resorts to these types of tactics.

Verily, there is Dalīl in the Book of Allāh and the Sunnah of the Prophet (ﷺ) that the truth will have many enemies fighting against it, trying to prevent it from being manifest.

They come with various molds that support their intellects, and satisfy their desires.

For the person on the truth, he should put all his efforts into it so as not to be shaken away from this truth that he is on. He should call others to this truth and Allāh will provide him with help and support. And he will remain victorious as long as he is trying to give victory to the Dīn and the truth, with full sincerity to Allah (ﷻ) and there will not cease to be aid from Allāh as long as he stays on this way. Allāh (ﷻ) has said: “As for those who strive hard in Us [Our cause], We will surely guide them to Our paths. And verily, Allah is with the Muhsinūn [good doers].” [29: 69]

Also Allāh (ﷻ) has said: “O you who believe! If you help (in the cause of) Allāh, He will help you, and make your foothold firm.” [47: 7] And whoever Allāh helps then that is indeed enough against the evil of His enemies.

But the help will not come until there are first two things:

- Sincerity to Allāh in both sayings and actions.
- In accordance with the guidance of the Prophet (ﷺ).

So if these two conditions are met then nothing can oppose him, even if they were to all come together from the east and the west. Allāh (ﷻ) has said: “If Allāh helps you, none can overcome you; and if He forsakes you, who is there after Him that can help you? And in Allāh [Alone] let believers put their trust.” [3: 160]

And all praise is due to Allāh. Wa Al-Hamdu li Allāh Rabb Al- 'Alamin

Shaykh Al-Muhaddith Sulaymān bin Nāsir Al-'Alwān (فك الله اسره)

### **Footnotes and extra explanation:**

[1] Ijtihād: The reasoning process by which Islamic Laws are deduced after thorough research.

[2] The devout [scholar] is the one whose piousness prevent from speaking about Allāh without having knowledge.

[3] Dhāhirī: A school of thought founded by Dāwūd ibn ‘Alī, who took an independent path of reasoning based on the obvious and literal meanings [Dhāhir] of the texts of the Qurān and the Sunnah.

[4] Adh-Dhihār: The saying of a husband to his wife: “You are to me like the back of my mother” eg. unlawful for me to approach.

[5] Know that many Fuqahāa may Allāh have mercy on them, take the ruling on the individuals lightly, so they rule on issues that they are Nagis [impure], while there is no Dalīl or true analogy. And it is stated in the Shar’ī Dalīl that the individuals are Tāhirah [pure] unless it’s proven otherwise [i.e. impure]. So until it’s proven with Dalīl that [something] is impure, it is pure, like the Maniy [semen] and so on, and Allāh knows best

[6] An-Nawawī [4/48]

[7] ‘Awn Al-Ma’būd 1/315

[8] Volume 1/122-123

[9] See Jāmi’ At-Tirmithī 1/133, and Nasb Al-Rāyah 1/70-76 and Tanqīh Al-Tahqīq 1/437-442